

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASTELLAS INSTITUTE FOR REGENERATIVE)
MEDICINE, and STEM CELL & REGENERATIVE)
MEDICINE INTERNATIONAL, INC.,)

Plaintiffs,

V.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG WANG, and REN-HE XU,

Defendants.

C.A. NO. 1:17-cv-12239-ADB

ORAL ARGUMENT REQUESTED

DEFENDANTS' MOTION FOR LEAVE TO FILE AMENDED COUNTERCLAIMS

Pursuant to Fed. R. Civ. P. 15 and 16(b)(4), defendants ImStem Biotechnology, Inc., Ren-He Xu, and Xiaofang Wang (collectively, the “Defendants”) move for leave file amended counterclaims to: (1) add one count under 35 U.S.C. § 256 that Drs. Xu and Wang should be added as named inventors to U.S. Patent No. 8,962,321 (the “321 Patent”); and (2) add Defendant Dr. Xu to the existing counterclaim concerning inventorship of U.S. Patent No. 8,961,956 (the “956 Patent”).

In support of this Motion, Defendants incorporate by reference their Memorandum of Law, which is filed herewith.

WHEREFORE, Defendants respectfully request that the Court allow them to file Amended Counterclaims. Clean and blackline versions of the proposed Amended Counterclaims are attached as Exhibits A and B, respectively, to Defendants' Memorandum of Law.

Dated: July 22, 2019

Respectfully submitted,

IMSTEM BIOTECHNOLOGY, INC., REN-
HE XU and XIAOFANG WANG,

By their Attorneys,

/s/ Timothy R. Shannon

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that, on July 3, 2019 and July 22, 2019, counsel for Defendants conferred with Counsel for Plaintiffs in a good faith effort to narrow or resolve the issues raised in the instant motion, but were unable to do so.

Dated: July 22, 2019

/s/ Timothy R. Shannon

Timothy R. Shannon

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF and paper copies will be sent to those indicated as nonregistered participants on July 22, 2019.

Dated: July 22, 2019

/s/ Timothy R. Shannon

Timothy R. Shannon